

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 18532, 18554, 19022,  
19041, 19348, 19351, 19437, 19443,  
19575, 19578**

(Jointly Administered)

**FIFTH URGENT CONSENTED MOTION OF THE COMMONWEALTH OF  
PUERTO RICO FOR EXTENSION OF DEADLINES**

To the Honorable United States District Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth” or the “Debtor”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submits this fifth urgent consented motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit**

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

A (the “Proposed Order”), extending by twenty-one (21) days, to and including Tuesday, February 1, 2022, the deadline to object to *Creditor Josefina Guinot’s Motion to Set Aside Order, Informing Receipt of Resolution, and Requesting Equitable Compensation* [ECF No. 18532] (the “Motion to Set Aside”). The Commonwealth has conferred with counsel for Ms. Guinot, and counsel for Ms. Guinot has consented to this request.

### **Background**

1. Ms. Guinot is a party to Case No. 2001-07-0054 (the “Litigation”), a proceeding before the Public Service Appellate Commission (by its Spanish acronym, “CASP”). On July 8, 2021 and August 8, 2021, the CASP issued two resolutions in the Litigation (the “Resolutions”).

2. On October 18, 2021, Ms. Guinot filed the Motion to Set Aside. Therein, Ms. Guinot asserts that the Resolutions resolved the Litigation in Ms. Guinot’s favor. Mot. to Set Aside at 12. Accordingly, the Motion to Set Aside requests an order (i) setting aside this Court’s disallowance of Ms. Guinot’s proof of claim and (ii) awarding Ms. Guinot certain monetary damages allegedly owed. Mot. to Set Aside at 21.

3. On October 19, 2021, the Court entered the *Order Scheduling Briefing of Creditor Josefina Guinot’s Motion to Set Aside Order, Informing Receipt of Resolution, and Requesting Equitable Compensation* [ECF No. 18554] (the “Scheduling Order”). The Scheduling Order established November 2, 2021 at 5:00 p.m. (Atlantic Standard Time) as the deadline for the Commonwealth to respond to the Motion to Set Aside (the “Objection Deadline”). The Objection Deadline was subsequently extended to Tuesday, January 11, 2022 at 5:00 p.m. (Atlantic Standard Time). [ECF Nos. 19041, 19351, 19443, 19578].

**Request for Relief**

4. The Commonwealth continues to work to gather information necessary in order to assess the Motion to Set Aside and determine whether the parties may be able to reach a consensual resolution of the same. The Commonwealth conferred with Ms. Guinot's counsel, who has consented to the requested extension in order to allow time for the parties to discuss a potential consensual resolution of the Motion to Set Aside.

5. Accordingly, the Commonwealth, with Ms. Guinot's consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to respond to the Motion shall be extended by twenty-one (21) days, from Tuesday, January 11, 2022 to **Tuesday, February 1, 2022.**
- The deadline for Ms. Guinot to file a reply to a response, if any, shall also be extended by twenty-one (21) days, from Tuesday, January 18, 2022 to **Tuesday, February 8, 2022.**
- The Court will thereafter take the Motion to Set Aside on submission, unless the Court determines that a hearing is necessary.

**Certification of Compliance with  
Local Rule 9013-1 and the Fifteenth Amended Case Management Procedures**

6. Pursuant to Paragraph I.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the "Case Management Procedures"), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications with Ms. Guinot in an effort to resolve or narrow the issues that are being brought to the Court, and Ms. Guinot consents to the relief requested herein.

**WHEREFORE** the Commonwealth requests the Court enter the Proposed Order and grant such other and further relief as is just and proper.

Dated: January 10, 2022  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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**Exhibit A**

**Proposed Order**

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

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Debtors.<sup>1</sup>

PROMESA

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**Re: ECF Nos. 18532, 18554, 19022,  
19041, 19348, 19351, 19437, 19443,  
19575, 19578**

(Jointly Administered)

**ORDER GRANTING FIFTH URGENT CONSENTED MOTION  
OF THE COMMONWEALTH OF PUERTO RICO FOR EXTENSION OF DEADLINES**

Upon the *Fifth Urgent Consented Motion for Extension of Deadlines* (the “Urgent Motion”);<sup>2</sup> and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Urgent Motion is in the best interests of the Commonwealth and Ms. Guinot; and the Court having found that the

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Urgent Motion.

Debtor provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Urgent Motion; and the Court having determined that the factual bases set forth in the Urgent Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Urgent Motion is granted as set forth herein.
2. The deadline to respond to the Motion shall be extended by twenty-one (21) days, from Tuesday, January 11, 2022 to **Tuesday, February 1, 2022.**
3. The deadline for Ms. Guinot to file a reply shall also be extended by twenty-one (21) days, from Tuesday, January 18, 2022 to **Tuesday, February 8, 2022.**
4. The Court will thereafter take the Motion on submission, unless the Court determines that a hearing is necessary.

Dated: \_\_\_\_\_, 2022

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HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE